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Sacramento, CA 95831
916-392-6591
916-392-6590 Facsimile

Attorney for Defendant
Ayanna Spikes

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO

IN THE MATTER OF

CASE NO.: 23-21965

AYANNA SPIKES

ADV. NO.: 23-02111

DCN.: SC-01

Debtor. /

Ayanna Spikes

DATE: January 22, 2025

TIME: 10:00 a.m.

Plaintiff,

DEPT: C - Courtroom 35

HON. JUDGE KLEIN

v.

QUALITY LOAN SERVICE CORP.,
BRECKINGRIDGE PROPERTY FUND 2016, LLC.,
SHELL POINT MORTGAGE SERVICING,
ISN CORPORATION, et al.

Defendants. /

PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE

COMES NOW, AYANNA SPIKES, Plaintiff in the instant adversary proceeding and Creditor in the underlying Chapter 7 bankruptcy case ("Plaintiff"), by and through her attorney of record, Peter G. Macaluso, submits this Request for the Court to take "Judicial notice of the following documents:

REQUEST FOR JUDICIAL NOTICE

In accordance with Federal Rule of Evidence 201, Ayanna Spikes ("Plaintiff") respectfully requests that this Court, in its consideration of pending Motion to Dismiss ("M.T.D.") filed herewith, take judicial notice of the information contained in the exhibits attached hereto are true and correct copies of Pleadings, orders, and other papers on file in the underlying Bankruptcy Case #23-21965 & 23-02111, are subject to judicial notice. See Mullis v. United States Bankruptcy Court, 828 F.2d 1385, 1388 n.9 (9th Cir. 1987) (taking notice of same).

Additionally, copies of pleadings, orders, and other papers on file in this bankruptcy Court are subject to judicial notice. See Mullis v. United States Bankruptcy Court, 828 F.2d 1385, 1388 n.9 (9th Cir. 1987) (taking notice of same).

1	#23-02111, Dckt. #76, Ex. E, Pages 28-30, paragraph 4, "Notice to Prospective Owner Occ."	Quality Loan Service Corp Notice of Trustee Sale	6/15/23
2	#23-02111, Dckt. #76, Ex. F, Pages 32-34	Nationwide Posting & Publication	6/15/23
3	#23-02111, Dckt. #76, Ex. G, Pages 35-36	Quality Loan Service Corp Posting	6/15/23
4	#23-02111, Dckt. #70,	Plaintiff's Initial Disclosures, #26	6/15/23
5	#23-02111, Dckt. #28,	Quality Loan Service Corp Posting - QLS File Search	6/15/23

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6	#23-02111, Dckt. #44	Quality Loan Service Corp Posting - Transmit Date	6/15/23
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DATED: December 31, 2024

Respectfully submitted,
/s/Peter G. Macaluso
Peter G. Macaluso
Attorney for Plaintiff

EXHIBIT E

Filed 11/26/24

Case 23-02111

Doc 76

Sacramento County**Donna Allred, Clerk/Recorder**Recording requested by:
QUALITY LOAN SERVICE CORPORATIONWhen recorded mail to:
Quality Loan Service Corporation
2763 Camino Del Rio South
San Diego, CA 92108Doc # **202305170937**

Fees \$101.00

5/17/2023

2:58:09 PM

Taxes \$0.00

DT

Electronic

PCOR \$0.00

Titles 1

Paid \$101.00

Pages 3

TS No. CA-22-943266-AB

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Order No. [REDACTED]

NOTICE OF TRUSTEE'S SALE

NOTE: THERE IS A SUMMARY OF THE INFORMATION IN THIS DOCUMENT ATTACHED TO THE COPY PROVIDED TO THE MORTGAGOR OR TRUSTOR (Pursuant to Cal. Civ. Code 2923.3)

注：本文件包含一个信息摘要

참고사항: 본 첨부 문서에 정보 요약서가 있습니다

NOTA: SE ADJUNTA UN RESUMEN DE LA INFORMACIÓN DE ESTE DOCUMENTO

TALA: MAYROONG BUOD NG IMPORMASYON SA DOKUMENTONG ITO NA NAKALAKIP
LUU Ý: KÈM THEO ĐÂY LÀ BẢN TRÌNH BÀY TÓM LƯỢC VỀ THÔNG TIN TRONG TÀI LIỆU NÀY**YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 7/29/2019. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.**

A public auction sale to the highest bidder for cash, cashier's check drawn on a state or national bank, check drawn by state or federal credit union, or a check drawn by a state or federal savings and loan association, or savings association, or savings bank specified in Section 5102 to the Financial Code and authorized to do business in this state, will be held by duly appointed trustee. The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale.

BENEFICIARY MAY ELECT TO BID LESS THAN THE TOTAL AMOUNT DUE.Trustor(s): **AYANNA U SPIKES, UNMARRIED WOMAN, AS SOLE OWNER**
Recorded: 7/30/2019 as Instrument No. 201907301703 and modified as per Modification Agreement recorded 4/12/2022 as Instrument No. 202204120738 of Official Records in the office of the Recorder of SACRAMENTO County, California;

Date of Sale: 6/15/2023 at 2:00 PM

Place of Sale: At the main entrance to the County Courthouse, 720 9th Street, Sacramento, CA 95814

Amount of unpaid balance and other charges: \$269,777.99

The purported property address is: 7036 CANTEL WAY, NORTH HIGHLANDS, CA 95660

Assessor's Parcel No.: [REDACTED]


TS No.: CA-22-943266-AB

NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property.

NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call 855 238-5118 for information regarding the trustee's sale or visit this internet website <http://www.qualityloan.com>, using the file number assigned to this foreclosure by the Trustee: CA-22-943266-AB. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the internet website. The best way to verify postponement information is to attend the scheduled sale.

NOTICE TO TENANT: You may have a right to purchase this property after the trustee auction pursuant to Section 2924m of the California Civil Code. If you are an "eligible tenant buyer," you can purchase the property if you match the last and highest bid placed at the trustee auction. If you are an "eligible bidder," you may be able to purchase the property if you exceed the last and highest bid placed at the trustee auction. There are three steps to exercising this right of purchase. First, 48 hours after the date of the trustee sale, you can call 855 238-5118, or visit this internet website <http://www.qualityloan.com>, using the file number assigned to this foreclosure by the Trustee: CA-22-943266-AB to find the date on which the trustee's sale was held, the amount of the last and highest bid, and the address of the trustee. Second, you must send a written notice of intent to place a bid so that the trustee receives it no more than 15 days after the trustee's sale. Third, you must submit a bid so that the trustee receives it no more than 45 days after the trustee's sale. If you think you may qualify as an "eligible tenant buyer" or "eligible bidder," you should consider contacting an attorney or appropriate real estate professional immediately for advice regarding this potential right to purchase.

NOTICE TO PROSPECTIVE OWNER-OCCUPANT: Any prospective owner-occupant as defined in Section 2924m of the California Civil Code who is the last and highest bidder at the trustee's sale shall provide the required affidavit or declaration of eligibility to the auctioneer at the trustee's sale or shall have it delivered to QUALITY LOAN SERVICE CORPORATION by 5 p.m. on the next business day following the trustee's sale at the address set forth in the below signature block.

 The undersigned Trustee disclaims any liability for any incorrectness of the property address or other common designation, if any, shown herein. If no street address or other common designation is shown, directions to the location of the property may be obtained by sending a written request to the beneficiary within 10 days of the date of first publication of this Notice of Sale.

If the sale is set aside for any reason, including if the Trustee is unable to convey title, the Purchaser at the sale shall be entitled only to a return of the monies paid to the Trustee. This shall be the Purchaser's sole and exclusive remedy. The purchaser shall have no further recourse against the Trustor, the Trustee, the Beneficiary, the Beneficiary's Agent, or the Beneficiary's Attorney.

EXHIBIT F

Filed 11/26/24

Case 23-02111

Doc 76



1180 Iron Point Road, Suite 100, Folsom, CA 95630
Voice: (916) 939-0700 Fax: (916) 939-0757

TRUSTEE'S SALE RESULTS**Attn:** See Trustee Info below**Date:** 06/15/2023**Premier Business Support, LLC****County:** SACRAMENTO**NPP Number:** [REDACTED]**Property Address:**

7036 CANTEL WAY NORTH HIGHLANDS, CA 95660

Please be advised that your T.S. Number **CA-23-960966-AUC** scheduled for sale on **06/15/2023** at **2:00 pm** has been sold to an outside bidder at **2:22 pm**

The sale amount was: **\$320,000.00**

If you have any questions concerning your sale or this result confirmation, please contact the Sales Department at (800) 990-7678. Thank you for doing business with Nationwide!

Outside Bidder Information:**Purchaser Name:**

RODOLFO GARCIA

Address:2015 MANHATTAN BEACH BLVD # 100
REDONDO BEACH, CA 90278**Purchaser Phone:**

[REDACTED]

Purchaser Email:

[REDACTED]

Purchaser Driver's License:

[REDACTED]

Purchaser Representative:

RODOLFO GARCIA

Refund To:BRECKENRIDGE PROPERTY FUND
2016, LLC**Vesting:**

BRECKENRIDGE PROPERTY FUND 2016, LLC

Prospective Owner-Occupant:

No

Check Sent Via:FedEx **33****EXHIBIT F**

NATIONWIDE
Posting & Publication

1180 Iron Point Road, Suite 100, Folsom, CA 95630
Voice: (916) 939-0700 Fax: (916) 939-0757

Check Sent To:	See Trustee Info below
Check Sent Date:	06/15/2023
Number of Witnesses:	3
Amount Collected:	\$320,000.00

EXHIBIT G

Filed 11/26/24

Case 23-02111

Doc 76

Trustee Sale Number

CA-22-943266-AB

Address

7036 CANTEL WAY

Sales Information:

Direction given by your mortgage company to Quality Loan Service to postpone your sale date or place your foreclosure on hold may take 24 hours to update on the Quality Loan Service website. If you are unable to confirm an expected change in status, please contact our office at (866) 645-7711 for further assistance.

Trustee:	Quality Loan Service Corp
Mailing Address:	2763 Camino Del Rio South, San Diego, CA 92108
Notice Of Default Recorded:	2/14/2023
Notice Of Sale Recorded:	5/17/2023
Property Address:	7036 CANTEL WAY, NORTH HIGHLANDS, CA 95660
Sale Date:	6/15/2023
Sale Time:	2:00 PM
Sale Location:	At the main entrance to the County Courthouse, 720 9th Street, Sacramento, CA 95814
Sale Company:	Xome.com
Sale Company Phone Number:	(855) 238 - 5118
Listing ID:	6520,000,000

Notice of Intent to Bid Received on or before deadline: No

Trustee's Deed Recorded:

****PLEASE NOTE: COURTESY INSTRUCTIONS AND FORMS RELATED TO THE CALIFORNIA OVER BID PROCESS CAN BE FOUND UNDER "RESOURCES/CALIFORNIA"***

QLS File Search

Welcome to the Quality Loan Service Corp. FileSearch

Please enter either the trustee sale number *OR* the property street address *OR* the loan number in the text boxes below and we will retrieve the sales information for that individual file.

Trustee Sale Number

Street Address

Loan Number

7036 cantel

Search

Search Results

Trustee Sale Number

CA-22-943266-AB

Address

7036 CANTEL WAY

Sales Information

Direction given by your mortgage company to Quality Loan Service to postpone your sale date or place your foreclosure on hold may take 24 hours to update on the Quality Loan Service website. If you are unable to confirm an expected change in status, please contact our office at (866) 645-7711 for further assistance.

Trustee:**Quality Loan Service Corp****Mailing Address:****2763 Camino Del Rio South, San Diego, CA 92108****Notice Of Default Recorded:****2/14/2023****Notice Of Sale Recorded:****5/17/2023****Property Address:****7036 CANTEL WAY, NORTH HIGHLANDS, CA 95660****Sale Date:****6/15/2023****Sale Time****2:00 PM****Sale Location:****At the main entrance to the County Courthouse, 720 9th Street,
Sacramento, CA 95814****Sale Company:****Xome.com****Sale Company Phone Number:****(855) 238 - 5118**

Sold Date:

6/15/2023

Sold To:

Third Party Purchaser

Winning Bid:

\$320,000.00

Notice of Intent to Bid Received on or before
deadline:

No

Trustee's Deed Recorded:

There is no trustees deed available for download at this time.



[Home](#) | [Privacy, Security & Legal](#)

Quality Loan Service Corp. © 2024

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